

12-10-01

CPA 11615/4

PTO/SB/29 (08-00)

Approved for use through 10/31/02. OMB 0651-0032

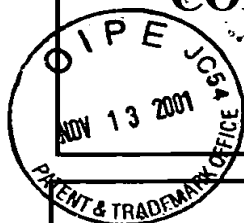
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:  
[ ] DUPLICATE



Address to:

Commissioner for Patents  
Box CPA  
Washington, D.C. 20231

Attorney Docket No. of Prior Application	7546M
First Named Inventor	David Scott Dunlop
Examiner Name	P. McQueeney
Group/Art Unit	1615
Express Mail Label No.	ET604021492US

RECEIVED  
DEC 12 2001  
TECH CENTER 1600/2900

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 09/558,465 filed on April 25, 2000, entitled SHAMPOOS PROVIDING A SUPERIOR COMBINATION OF ANTI-DANDRUFF EFFICACY AND CONDITIONING.

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of the CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

- ☐ Enter the unentered amendment previously filed on 12/11/2001 under 37 CFR 1.116 in the prior nonprovisional application.
 

01 FC:131	740.00 CH
02 FC:103	252.00 CH
- ☐ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
 

01 FC:117	920.00 CH
02 FC:098	130.00 CH
- Information disclosure Statement (IDS) is enclosed.
  - ☐ PTO-1449
  - ☐ Copies of IDS Citations

12/11/2001 JADD01 00000047 162480 09558465

02/08/01 WILLIAM 00000002 162480 09558465

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box CPA, Washington, D.C. 20231.



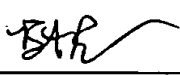
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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16 (c) or (j))	34	- 20*	14	x \$18.00 =	\$252.00
INDEPENDENT CLAIMS (37 CFR 1.16 (b) or (i))	2	- 3**	0	x \$84.00 =	\$ 0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$270.00 =	\$
				BASIC FEE (37 CFR 1.16)	\$740.00
Total of above Calculations =					\$992.00
Reduction by 50% for filing by small entity (Note 37 CFR §1.27).					
* Reissue claims in excess of 20 and over original patent.					
** Reissue independent claims over original patent.					
TOTAL =					\$992.00

6. Small entity status: Applicant claims small entity status. See 37 CFR §1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 16-2480.
- a. ☒ Fees required under 37 CFR § 1.16.
  - b. ☒ Fees required under 37 CFR § 1.17.
  - c. ☐ Fees required under 37 CFR § 1.18.
8. ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☒ Applicant requests suspension of action under 37 CFR §1.103(b) (fee under 37 CFR §1.17(i) enclosed).
11. ☐ New Attorney Docket Number, if desired \_\_\_\_\_  
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)  
b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☒ Other: The Commissioner is hereby petitioned under 37 CFR §1.136(a) to grant any extension of time needed for timely response to the Office Action dated May 11, 2001 in the parent of the above-identified continuation application to preserve pendency of said parent application. The processing fee under 37 CFR §1.17 has been determined as follows: \$920.00 for a 3-month extension of time.

**NOTE:** The prior application's correspondence address will carry over to this CPA **UNLESS** a new correspondence address is provided below.

12. NEW CORRESPONDENCE ADDRESS					
<input checked="" type="checkbox"/> Customer Number or Bar Code Label		27740		or <input type="checkbox"/> New correspondence address below	
NAME	Brent M. Peebles				
ADDRESS					
CITY		STATE		ZIP CODE	
COUNTRY		TELEPHONE	513-626-2404	FAX	513-626-1355

13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
NAME (Print/Type)	Brent M. Peebles Reg. No. 38,576
SIGNATURE	
DATE	November 13, 2001

"Express Mail" mailing label number ET604021492USDate of Deposit 16-2480

I hereby certify that this paper/fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, Washington, D.C. 20231.

Brent M. Peebles 38,576  
Attorney mailing application Reg. No.

  
Signature of Attorney mailing application